

REMARKS

In response to the Office Action mailed August 5, 2011, Applicants have amended claims 1-3, 5-6 and 9-10. Claim 8 has been canceled and new claims 12-22 have been added. It is urged that support for all the above amendments may be found throughout the specification as originally filed, for example at a paragraph [0007] of the publication of the present application. No new matter has been added. The above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 1-3, 5-6, 9-10 and 12-22 are pending in the application. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 5, 6, and 8-10 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US Patent Application Publication No. 2004/0055011 to Bae et al. ("Bae"). Applicants respectfully traverse the rejections for the reasons discussed below.

Claim 8 has been canceled

Claim 8 has been canceled. Therefore, the rejection under 35 U.S.C. § 102(b) rejection of claim 8 is moot.

Claims 1-3, 5, 6 and 9-10 are allowable

To show that a claim is anticipated under 35 U.S.C. § 102(b), each and every element as set forth in the claim must be found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Company of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants assert that Bae does not anticipate claims 1-3, 5, 6 and 9-10 as alleged in the Office Action because each and every element as set forth in these claims is not described or suggested by Bae.

Claim 1 has been amended to recite, in part, “a watching condition determining unit configured to determine a watching condition indicating a priority between a user’s intention to watch content and the user’s intention to receive notification of an incoming call”, and “a control unit configured to control [a] reproduction of the content and [a] processing of the incoming call based on the watching condition when the incoming call processing unit receives the incoming call during the reproduction of content”.

Bae discloses a mobile telephone which switches, when a communication mode is set to an incoming call mode, how to treat a TV video signal and a TV audio signal based on which of an OSD function and a television display function is selected in a voice communication mode (*See*, paragraphs [0103] and [0104] of Bae).

However, in Bae, the mobile telephone does not determine a priority between a user’s intention to watch television and the user’s intention to receive notification of an incoming call, nor control the reproduction of the TV video signal and the TV audio signal according to the determined priority. In other words, Bae fails to disclose the watching condition determining unit and the control unit of claim 1.

As such, Bae fails to disclose each and every element recited in claim 1. Therefore, Applicants respectfully request withdrawal of 35 U.S.C. § 102(b) rejection of claim 1.

Claims 2-3, 5, 6 and 9-10 depend from claim 1, and thus, each and every element recited in claim 1 is also found in claims 2-3, 5, 6 and 9-10, respectively. As such, for at least the reasons discussed above with respect to claim 1, Bae fails to disclose each and every element recited in claims 2-3, 5, 6 and 9-10, respectively. Therefore, Applicants respectfully request withdrawal of 35 U.S.C. § 102(b) rejections of claims 2-3, 5, 6 and 9-10.

New Claims 12-22 are Allowable

New claims 12-13 depend from claim 1, and thus, each and every element recited in claim 1 is also found in claims 12-13, respectively. As such, for at least the reasons discussed

above with respect to claim 1, Bae fails to disclose each and every element recited in claims 12-13, respectively. Therefore, Applicants respectfully assert that claims 12-13 are allowable.

Similar to claim 1, new claim 14 recites, in part, “determining a watching condition indicating a priority between a user’s intention to watch content and the user’s intention to receive notification of an incoming call”, and “controlling [a] reproduction of the content and [a] processing of the incoming call based on the watching condition when the incoming call is received during the reproduction of content”.

Accordingly, for at least the reasons discussed above with respect to claim 1, Bae fails to disclose each and every element recited in claim 14. Therefore, Applicants respectfully assert that claim 14 is allowable.

Claims 15-22 depend from claim 14, and thus, each and every element recited in claim 14 is also found in claims 15-22, respectively. As such, for at least the reasons discussed above with respect to claim 14, Bae fails to disclose each and every element recited in claims 15-22, respectively. Therefore, Applicants respectfully assert that claims 15-22 are allowable.

Closing

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Jeff Sakoi/
Jeffrey M. Sakoi
Registration No. 32,059

JS:tt

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

2025011_1.DOC